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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA, BILLING DIVISION

BRANDY MORRIS and BRENDA
GRAY, on behalf of themselves and
all others similarly situated,

Plaintiffs,

vs.

FIRST INTERSTATE BANK,

Defendant.

Cause No. 1:21-cv-00076-DWM-TJC

Judge: Donald W. Molloy

**UNOPPOSED MOTION FOR STAY
PENDING FINALIZATION OF
SETTLEMENT**

COMES NOW, Plaintiffs Morris and Gray (“Plaintiffs”) and Defendant First Interstate Bank (“Defendant”) (collectively the “Parties”), by and through their respective counsel of record, hereby enter into the following stipulation with reference to the following facts:

This case was initially filed by Plaintiff Morris on April 10, 2020, in the Montana District Court, Thirteenth Judicial District of Yellowstone County and the complaint was later amended to include Plaintiff Gray.¹ After Plaintiffs amended the complaint in June, 2021 to include the classes and claims currently at issue in the Second Amended Complaint, Defendant filed a Notice of Removal of the action to this Court on July 7, 2021. Defendant contends that federal jurisdiction is proper under the Class Action Fairness Act (“CAFA”), 28 U.S.C. § 1332(d). (Dkt. No. 1, the “Notice.”) Plaintiffs moved to remand this matter to Montana state court on August 6, 2021. Defendant opposes Plaintiffs’ remand motion and will file its response on August 20, 2021. Plaintiffs’ motion remains pending.

On August 20, 2021, the Parties informed the Court of their desire to mediate this matter to determine if the issues presented could be resolved on a classwide basis during a mediation with former United States Magistrate Judge Edward Infante (Ret.) of JAMS on October 6, 2021. The Parties respectfully inform the Court that

¹ See *Brandy Morris v. First Interstate Bank*, Case No. DV-20-0528 (Thirteenth Judicial District of Yellowstone County, Montana District Court).

the Parties did participate in the mediation, and that mediation has now resulted in a tentative agreement in principle to resolve this litigation.

The Parties anticipate seeking further action from the Court in order to effectuate the tentative settlement within 60 days. Therefore, the Parties, through their respective counsel of record, and subject to an order of the Court, respectfully request that the above-captioned action be stayed in its entirety until December 7, 2021.

DATED this 8th day of October, 2021.

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